City of Cottonwood
Draft
Judicial Review and Appointments Advisory Board Meeting Minutes

The City of Cottonwood Judicial Review and Appointments Advisory Board (JRAAB) met Wednesday, February 4, 2009 at 5:00 PM in the Cottonwood Police Department Substation Conference Room, 817 N. Main Street, Cottonwood, Arizona.

Board Members	Present	Absent
Donna Castillo, Citizen	X	
William Fischbach, Attorney	X	
Randall Garrison, Citizen	X	
Shiloh Hoggard, Attorney	X	
Robert Oliphant Citizen	X	
Deborah Schaefer, Designee of Presiding Judge of Arizona Superior Court, Yavapai County	X	
Justin Vaughn, Attorney	X	
Iris Dobler, Employee/Recording Secretary	X	

Items of Business

I.   Call to Order – The meeting was called to order by the Chairman, Robert Oliphant, at 5:04 PM.

II.   Roll Call – All members were present.

III. Approval of Minutes of January 22, 2009 Meeting – Deborah Schaefer recommended several corrections: under the list of Board Members on page 1 - add "Judge" after "Presiding" so it reflects "Presiding Judge", and correct the spelling of Vaugh to Vaughn. Ms. Schaefer also suggested adding a sentence to clarify the discussion. On page 2, paragraph beginning "Discussion was held on 2.108.080 Reappointment…" to add: "In order t keep costs to a minimum, the Board decided to defer the question until after applications are screened. If the incumbent Magistrate is selected for an interview based upon his application, then no attorney clarification will be required. An attorney opinion would only be necessary if the incumbent Magistrate is screened out of the process based upon his application."

Deborah Schaefer made a motion to approve the minutes as amended; Donna Castillo seconded. Motion carried unanimously.

IV. <u>Identify Any Conflicts of Interest</u> – Each Board member took a turn in disclosing contacts they may have had any of the applicants.

Robert Oliphant:
- Applicant A-7 – Bob has had several contacts with this applicant, but not as a friend or acquaintance. They have discussed issues affecting the City.
- Applicant A-23 – Applicant was a political candidate; Bob urged individual to come to a board meeting of the Greater Verde Valley Chapter of the Yavapai College Foundation and consider joining their board; had breakfast with A-23 and another individual; but not as a friend. Reviewed A-23 as a potential applicant for a job that doesn't exist on the Sedona Campus of Yavapai College. Shiloh Hoggard said he doesn't view this as a conflict of interest – if an individual was a friend of the family, or there was money changing hands, etc., it might be. Will Fischbach doesn't see it as a conflict of interest. The limited contacts they had wouldn't create a conflict of interest. Debbie Schaefer doesn't see that Bob would have anything to gain from the contact. Randy Garrison said Bob's vote was 1 of 7; no problem. Justin Vaughn had no comment.

William Fischbach:
- Applicant A-7 – Will's boss wrote a letter of reference for this candidate. However, Will knows nothing about the candidate; has never met A-7.
- Applicant A-24 – Will said he interviewed this individual as an applicant for a position in his office today; not a conflict of interest; never met before.

Shiloh Hoggard:
- Applicant A-7 - Same comment as Will made. He said he's aware of at least two other letters of recommendation from people he knows on A-7, but he doesn't consider there to be a conflict of interest. When reviewing the score matrix, it doesn't make a difference.
- Applicant A-24 – Same comment as Will made. Shiloh said he had scored the candidates prior to meeting or interviewing this individual.

Justin Vaughn said it's not up to the other Board members to decide whether there's a conflict of interest. Bob Oliphant feels every Board member has to make that decision themselves.

Donna Castillo:
- She doesn't professionally or personally know any of the applicants.

Justin Vaughn:
- Applicant A-16 – He knows this person on a very limited basis.
- Applicant A-21 – He knows this person on a very limited professional basis.

Deborah Schaefer:
- Applicant A-3 – Debbie worked around this individual in 1989-1990 in the Phoenix Municipal Court; she doesn't know if they would recognize each other now.
- Applicant A-7 – They've met; their staffs worked on a project together; Debbie doesn't see a conflict of interest.
- Applicant A-16 – Individual works for the Yavapai County Public Defenders office, so they've probably met, but she doesn't know individual.
- Applicant A-20 – They worked fairly near each other from 1996 – 2004; individual stops in to say hi in the courthouse; applicant asked if he could use her as a reference; he listed her. Mr. Oliphant feels this might be a conflict of interest. Mr. Hoggard feels a conflict of interest has to have some sort of conflict or jurisdiction over her, etc., and doesn't see that here. Mr. Vaughn asked Deborah: did she endorse applicant for the position; would someone think her vote would be influenced (Debbie responded that she didn't endorse applicant, and wouldn't write a letter of recommendation). Ms. Castillo quoted from Ordinance 533, 2.108.060 Recommendation Process, A.2.: "A board member shall refrain from voting on all persons required to be disclosed in paragraph A.1., subparagraphs a. and b. above. Board members may discuss and vote on all applications submitted by persons they recruit to apply, after having disclosed to all board members the nature of their efforts to recruit the applicant." Mr. Oliphant said Debbie could recuse herself if she feels uncomfortable with the situation.
- Applicant A-21 – Has known in same capacity as A-20 for four years; but has never been to applicant's home, or known as a friend, etc.

Randall Garrison:
- Has no knowledge of any of the applicants.

V.   Summary of Current Events – Per the City Attorney, this items in inapplicable to this Board, and should be skipped.

VI.   Call to Public – no one from the general public was in attendance.

VII.   Short List of Applicants Presented by Each Board Member – Bob Oliphant distributed a form he had made to each Board member. The matrix form listed each candidate by identification number, and included each Board member's name. It was used to indicate the short list of candidates.

Will Fischbach said some of the candidates had the same scores when he scored them. If the Board says "top 5" candidates, for example, and he has several tied for 5th place, how should that be handled? Mr. Fischbach made a motion to select top 5 candidates, and if several were tied for 5th place, to include them all in short list; Deborah Schaefer seconded motion. Randy Garrison said members should pick only the top 5 and not allow any tied scores. There was a brief discussion of where members had a clean break in scores. Debbie Schaefer mentioned she scored her applicants two ways: one with Community Service, and again without Community Service. Donna Castillo quoted from the Application for Employment, page 3, under Education, Licenses, Trade or

Professional Registration; Honors, Awards, Fellowships. Will Fischbach felt this section invited applicants to list their Community Services.

Mr. Fischbach withdrew his motion; Ms. Schaefer agreed to the withdrawal, as the person who had seconded the motion.

Mr. Oliphant suggested that 7 might be the number the Board wants to short list. Board members should mention applicants and what rank they gave each. Will Fischbach made a motion for Board members to list the top 7 on the form, and rank each applicant; Deborah Schaefer seconded. Motion passed unanimously.

Each board member then listed and ranked their top 7 candidates, using the information on applications and resumes only. Randy Garrison asked what will happen to the paperwork on applicants that are not selected for the short list. Iris Dobler will shred copies of all paperwork not required after selection has been made.

William Fischbach moved that if any candidate received all zeros on matrix, they not be considered for the short list; Donna Castilllo seconded. Motion carried unanimously.

Donna Castillo moved that if any applicant received only one score, they not be considered for the short list; Will Fischbach seconded. Motion carried unanimously.

Randy Garrison moved that if any applicant received only two scores, they no longer be considered a viable candidate; Justin Vaughn seconded. Motion carried; Donna Castillo opposed.

William Fischbach moved to eliminate candidates who did not receive at least 4 endorsements from Board members; Randy Garrison seconded. Motion carried; Donna Castillo opposed.

VIII. <u>Determination of Follow-up Procedures</u> - Randy Garrison made a motion that we send letters of invitation to interview to A-3, A-11, A-12 and A-15; Justin Vaughn seconded. If any of these candidates withdraw, or their background doesn't check out appropriately, background checks will be conducted on three alternate short-listed candidates (A-17, A-20 and A-21), as needed. Motion carried; Deborah Schaefer opposed.

Mr. Oliphant instructed Iris Dobler to send out waiver forms to the top 4 candidates requesting authorization to do background investigations, including State Bar(s) background checks. Checks will be conducted with the Bar Associations candidates are members of, the Commission on Judicial Conduct (if candidate has been a judge), and a criminal background check through the Police Department.

IX. <u>Set Date and Time of the Next Board Meeting</u> – Wednesday, February 18, 2009 at 5:00 PM. The Board will review the background checks that have been received, discuss interview questions and the interviewing process, and establish the number of references to be checked on candidates.

The Board also agreed to schedule interviews for Wednesday, February 25, 2009, beginning at 5:00 PM, for the short list of candidates. Interviews will be conducted in one-hour time slots.

X.   Adjournment – Randy Garrison made a motion to adjourn the meeting; Justin Vaughn seconded; motion passed. Meeting was adjourned at 6:42 PM.

Respectfully Submitted,

Iris Dobler
Recording Secretary